

AO 91 (Rev. 11/11) Criminal Complaint

FILED**UNITED STATES DISTRICT COURT**

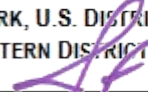
for the

Western District of Texas**May 5, 2021**

United States of America

v.

Case No. 1:21-MJ-398-ML

Michael Jerome Nelson*Defendant(s)*CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY:  DEPUTY**CRIMINAL COMPLAINT**

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of April 23, 2021 in the county of Travis in the
Western District of Texas, the defendant(s) violated:*Code Section**Offense Description*Count 1: Title 18, USC,
Sections 922(g)(1), 924(a)(2)

Felon in Possession of a Firearm

This criminal complaint is based on these facts:

On April 23 2021, the above defendant, knowing he had previously been convicted of a crime punishable by imprisonment for a term exceeding one year, knowingly possessed a firearm, and the firearm was in and affecting commerce. See attached affidavit for further information.

☒ Continued on the attached sheet.*Complainant's signature*Michael Fickel, ATF TFO*Printed name and title*

- ☐ Sworn to before me and signed in my presence.
☒ Sworn to telephonically and signed electronically.

Date: May 5, 2021City and state: Austin, Texas*Judge's signature*Hon. Mark Lane, U.S. Magistrate Judge*Printed name and title*

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

THE UNITED STATES OF AMERICA

v.

Michael Jerome NELSON,
Defendant.

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CRIMINAL NO. 1:21-MJ-398-ML

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

I, Michael Fickel, being duly sworn, depose and state as follows:

INTRODUCTION

1. I am a Detective with the Austin Police Department (APD), Austin, Texas. I am a sworn Texas peace officer and have been employed by APD since 2005. While employed by APD, I have investigated violations of state and federal criminal law, including the unlawful possession of firearms by felons. I am also a federally deputized Task Force Officer for the Bureau of Alcohol, Tobacco, Firearms and Explosives, Austin Task Force (“ATF”). I have participated in numerous investigations involving the unlawful possession of firearms.
2. This affidavit is submitted in support of an application for the issuance of a Criminal Complaint against Michael Jerome NELSON, born February 14, 1988, for violating count 1: 18 U.S.C. § 922 (g)(1) and 924(a)(2), *Felon in Possession of a Firearm*.
3. As set forth herein, probable cause exists to believe that NELSON, who has previously been convicted in a court of a crime punishable by imprisonment for a term exceeding one year,

knowingly possessed a firearm on April 23, 2021, within the Western District of Texas, and that the firearm had been shipped and transported in interstate commerce.

4. The statements contained in this Affidavit are based on information provided to me by other APD officers, and through my personal participation in the investigation of NELSON. Because this Affidavit is being submitted for the limited purpose of establishing probable cause for the issuance of the Criminal Complaint that is sought, it does not contain every fact known to me or other law enforcement officials.

FACTUAL SUMMARY

5. On April 23, 2021, APD officers responded to a 9-1-1 call for service titled Gun-HS (hot shot). The location for this call was 11301 Farrah Lane, Apartment 519, Austin, Travis County, Texas. The 9-1-1 caller, later identified as “YM,” stated to the dispatcher “He has a gun.” The dispatcher documented the sounds of a physical disturbance in the background during the call.
6. Officer Bender was one of the officers that responded to the 9-1-1 call. Upon arrival, Officer Bender parked in front of the apartment building. Officer Bender observed a male, later identified as Michael Jerome NELSON, walking faster than normal along the fence line. Officer Bender described NELSON as walking in a manner that looked suspicious, *i.e.*, as if he was trying not to be seen. Officer Bender observed that NELSON was walking along the fence, instead of walking in the street, and he was walking fast. Officer Bender believed NELSON was possibly involved in the disturbance with a gun.
7. Officer Bender then observed NELSON jump over the fence. Officer Bender was able to give commands for NELSON to get on the ground. NELSON then volunteered to Officer Bender, “I have a gun in my pocket.”

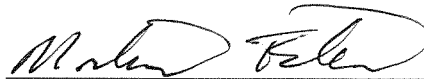
8. A subsequent search of NELSON's right front pants pocket revealed a loaded Sig Sauer, Model P365 SAS, 9mm pistol with Serial No. 66A831430.
9. Officer Bender learned through research that the firearm was documented to have been stolen out of Lincoln Park PD, IL (OCA 20-9519).
10. After Officer Bender read NELSON his *Miranda* rights, NELSON admitted he had just been in a disturbance with his girlfriend.
11. Officer Graubard interviewed YM who stated that she and NELSON were involved in a disturbance. During the disturbance, YM stated NELSON was waving the gun around, but not pointing it at her or threatening her with it. YM also reported she sustained minor injuries after being pushed out of the way by NELSON.
12. Officer Bender transported NELSON to the Travis County Jail. While at the jail, NELSON stated that the only reason he did not pull his gun was because Officer Bender had "that big ass gun." NELSON also stated that the only reason he did not comply immediately was because he was contemplating running or pulling his gun.
13. I have reviewed NELSON's criminal history and have determined that he has been convicted in a court of a crime punishable by a term of imprisonment for more than one year. I specifically observed a conviction for a felony offense in Williamson County, Texas for the offense of Assault Family Violence with previous conviction. The offense date was July 27, 2014, and NELSON was sentenced on September 17, 2015, to two years' imprisonment in the Texas Department of Criminal Justice.
14. I have conferred with ATF Special Agent Mueller about this matter. Agent Mueller provided his expert opinion that the firearms described in this Affidavit was manufactured outside of the

State of Texas, and if received and/or possessed inside of the State of Texas, it affected interstate and/or foreign commerce.

CONCLUSION

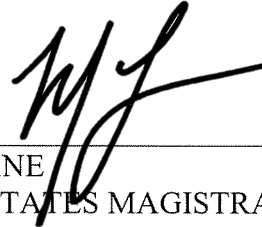
15. Based on the foregoing, there is probable cause to believe that MICHAEL JEROME NELSON has committed the offense set forth in the attached Criminal Complaint.

16. I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief.



MICHAEL FICKEL
Detective
ATF/TFO
Austin Police Department

Submitted by reliable electronic means, sworn to telephonically, and signed electronically pursuant to Federal Rule of Criminal Procedure 4.1 on this 5th day of May, 2021.



MARK LANE
UNITED STATES MAGISTRATE JUDGE